

the end of his programme, with no reference to "America."

1. March—"Silver Trumpets".....Rimbault
2. Overture—"Zampa".....Herold
3. Waltz—"Cloisters".....Prout
4. Selection—"Gondoliers".....Sullivan
5. Selection—"Dorothy".....Cellier
6. Gavotte—"La Stephanie".....Czibulka
7. Medley—"Native Hawaiian Airs".....
8. Polka—"Who's That Calling".....Meissler

This one, from Jean Weiner, is the same as that submitted by another member of Dailey's company, with the substitution of "Cordelia's Aspirations" for the "Blue Danube Waltz."

1. Overture—"Raymond".....
2. Cornet Solo—"Blue Bells of Scotland".....
3. Overture—"Mascolt".....
4. March—"Belle of New York".....
5. "Cordelia's Aspirations".....Braham
6. Selection from Norma.....
7. Selection from Bohemian Girl.....
8. Overture—"Maritana".....

This one gives preference to marches, and also gives Berger a show to play some of his own pieces:

1. March—"Washington Post".....Souza
2. Waltz—"Love's Old Sweet Song".....Bucalossi
3. March—"Liliuokalani".....Berger
4. Polka—"Nuuanu Valley".....Berger
5. March—"High School Cadets".....
6. March—"The Belle of New York".....Clark
7. Waltz—"The Paradise of the Pacific".....Berger
8. March—"Manhattan Beach".....Souza

The above programmes are all good ones. Of course, some are better than others, but all have some musical merit. It is to be hoped that between now and tomorrow night there will be many more, so that a good selection can be made.

Fill out the following coupon. Mail it or leave it at this office. Get them in before tomorrow night at 8 o'clock:

- MY SELECTIONS ARE AS FOLLOWS:
- No. 1.....
- No. 2.....
- No. 3.....
- No. 4.....
- No. 5.....
- No. 6.....
- No. 7.....
- No. 8.....

SIGNED:.....

Fire Department Matters.

Engineer Barnhart of No. 1 Fire Station yesterday gave to a device he has lately added to the engine the first trial. He connected a gasoline burner with the boiler. This keeps the water warm day and night. Thus the time of raising steam is reduced from five or seven minutes to two or three minutes. The injury caused to the boiler by sudden heating is obviated. The new scheme worked perfectly for the first trial, and is considered an entire success.

In about ten days now the new quarters at No. 1 for a hose-wagon will be occupied. This will place an outfit and four more men at the King street station. Chief Hunt is looking after the details at the new house.

Walter Bromley and helper are working almost night and day on the disabled engine that is used for pumping from Thomas Square to Punchbowl.

The Coming Drill.

Company C, N. G. H., is practicing three evenings a week for the competitive drill. The big event is underlined for December. President Dole hangs up the trophy. The prize is \$100 in cash. Captain Joe Camara and his men are already figuring on how to spend this money. Company A, backed and trained by Captain Paul Smith, is in the field. Captain Wall's Company, B, will doubtless brush up without delay. D. Captain Wilder, has plenty of veterans in the ranks, but so far they have failed to evince any deep interest in the forthcoming contest.

Fine Stationery.

The job department of this office now has in stock what is by long odds the finest line of fancy stationery ever brought to Honolulu. The lot includes all manner of dance programmes, menu cards, invitations, wedding cards and visiting cards. Something new for the town is a beautiful ball room badge. The dance card designs comprise covers suitable for military and civic organizations. Inspection of this stock is invited. Those who see it will not hesitate about ordering.

In the Supreme Court of the Hawaiian Islands.

JUNE TERM, 1894.

BEFORE JUDD, C. J., BICKERTON AND FREAR, JJ.

KAILIANG AND LEA VS. KAUE, SURVIVING DEFENDANT.

A new trial should not be granted for an erroneous rejection of evidence of such slight importance that there is no reason to believe that a new trial, if granted, would result differently, especially after two juries have already rendered the same verdict.

OPINION OF THE COURT BY FREAR, J.

This action was begun in July, 1889, and has been tried three times. It is ejectment for land at Kapaia, Hanalei, Kanai, covered by R. P. 4823, L. C. A. 3371, to Naehu. One of the two original defendants, Lumai, died between the second and third trials. At each trial there were two issues—descent and adverse possession, the plaintiffs claiming by the former title, the defendants by both titles. The first trial resulted in a verdict for the plaintiffs, but this was set aside on the ground that it was contrary to the evidence on the issue of adverse possession. 8 Haw. 256. At the second trial the presiding Justice directed a verdict for the defendants on the ground that the question of pedigree had been settled in their favor by a decree in Probate made by Circuit Judge McBryde in 1868. This verdict was set aside on the ground that the Circuit Judge had no jurisdiction to make the decree in question. 8 Haw. 508. At the third trial the verdict was again for the plaintiffs. There was evidence on both sides of each issue, and, although an exception was taken to the verdict as contrary to the evidence, it was practically abandoned in this Court. The exception now relied upon is to the instruction of the Court that "The jury should leave out of their consideration the decision of Judge McBryde in 1868, but they are at liberty to consider the testimony of the witnesses before him who have been shown at this trial to have since deceased."

The record shows that the testimony given in the probate case was read to the jury in this case, but does not show that the decree was offered or put in evidence. The trial judge and counsel, however, evidently regarded it as having been introduced, and we shall so consider it, especially as the result of our decision will be the same.

It is argued that the decree was admissible for what it was worth, not as conclusive or perhaps even prima facie evidence of what it purports to adjudicate, but for certain other purposes, as, for instance, to show the character in which the defendant took possession, or to show an admission or acquiescence on the part of Nika, the principal witness for the plaintiffs, who was also a witness in the probate proceedings and is the father of the plaintiffs who were then minors, or that he then gave testimony inconsistent with that which he now gives, or that he made no objection to evidence given then for the present defendant by other witnesses, or that he now testifies to facts which those witnesses, if living, could controvert. The trial judge apparently thought that the decree should be either admitted or rejected without qualification, and it does not appear that any middle course like that now suggested by counsel in this Court was pointed out to him. At least no instruction to that effect appears to have been requested.

No case has been cited to us which goes so far as to hold that a decree absolutely void as to all persons is admissible for any purpose whatever, but conceding that such a decree is admissible, not as evidence of the truth of its contents or of the facts on which it was based, but for the purpose of showing the mere fact that it was made and whatever is properly inferable from that fact, we do not see that sufficient cause has been shown in this instance for granting a new trial.

The decree obviously has no bearing upon most of the points above enumerated, suggested by counsel as reasons for its admission. The testimony given in the probate matter was alone relevant on those points, and this, as we have seen, was allowed to go to the jury. And as to the other points, the decree could certainly add but little, if any, to the weight of the other evidence, so little, indeed, that there is no reason to believe that a new trial, if granted, would result in a different verdict. There have been three trials already in this case, and the verdicts in the two submitted to the jury were both for the plaintiffs. Under the circumstances we would not be justified in further prolonging this litigation. New trials are not to be granted for light reasons, especially after so many trials have already been had.

The exceptions are overruled. A. Rosa for plaintiffs; A. S. Hartwell for defendants.

Honolulu, October 18, 1894.

The ADVERTISER is the leading daily paper of the Hawaiian Islands. It has a larger circulation and advertising patronage than any paper published in the Hawaiian Islands. Telephone 88.

Extraordinary Mail.

Following are the figures on the mail received at the Honolulu postoffice Thursday evening:

BAGS, LETTERS, PAPERS		
Per Monowai.	45	6,296
Per Arawa.	37	5,566
Total.	82	11,862

The entire force, under the direct supervision of Assistant Postmaster Kenake worked up to 12 Thursday night and went at it again at 5:30 yesterday morning. During the day the public was satisfactorily served, and mail for every island of the group, except Molokai was despatched. The day was almost a record breaker.

Deputy Consul Boyd Will Stay.

W. P. Boyd, Vice and Deputy United States Consul, will not go to Melbourne. The order assigning him to that post has been revoked. Mr. Boyd will remain in Honolulu. The letters from Washington say that this arrangement is "for the present." In all likelihood the popular young deputy is a fixture here.

Mr. Boyd is one of thirteen consular clerks in the United States service. He has been on the list since 1887. When a careful, experienced and reliable man was required here Mr. Boyd was sent from Paris.

Mormon Missionaries.

The overland train from the south brought a large number of Mormons from Arizona and Utah, who are going to Australia and various islands of the Pacific to teach the savages. All of them are natives of Utah, and all but two are men.

In appearance they are the roughest of the rough frontiersmen. All are young, being from eighteen to thirty years of age. The men look like cowboys or rough ranch hands. As an earnest of their good intentions they are each paying individual expenses going and coming and while working among the natives. They expect to be absent between two and three years.

The Rev. T. L. Browning said: "Seven of us are going to Samoa, two to Australia, two to New Zealand and two to Hawaii. Our missionaries are at present all over the islands of the Pacific. We have some in the Friendly Islands, in the atolls on the equator, and wherever there is work to be done, but we need more, and this is why we are going. We have flattering prospects, and our object is to extend the church as fast as possible. There is an elder for each district, and he has a general supervision of the work."—S. F. Examiner.

Auction Sales.

James F. Morgan.

THIS DAY.

CASH SALE!

This Day, October 27th
AT 10 O'CLOCK A. M.

At my Salesroom, I will sell at Public Auction, the balance of goods unsold from the wreck of Bark G. N. Wilcox

11 Cases Elephant Gin

1 Case Black Pepper,
1 Case Curry Powder,
25 Gross Spools Cotton, more or less;

Boxes Candles, Soap, Toys, etc.

Also, Bedroom Sets,
Mattresses, Meat Safe, Kitchen Ware,
Crochery, Boxes Candles,

SEWING MACHINES, ETC.

Jas. F. Morgan,

3827-11 AUCTIONEER.

THIS DAY.

Pineapple Plants!

On Saturday, October 27
At 10 O'clock a. m.,

I will sell at Public Auction, at my Salesroom, Queen street, without reserve, about

1000 Smooth Leaf Cayenne Pineapple
Plants from Samoa.

Jas. F. Morgan,

3824-21 AUCTIONEER.

Underwriter's Sale

On Monday, October 29th
AT 10 O'CLOCK A. M.

I will sell at Public Auction, at the Pacific Mail Dock for account of whom it may concern,

GRAIN AND FLOUR!

damaged by salt water on voyage of importation per British Steamship Arawa, from Vancouver, B. C.

A Large Quantity of

Mark
T. H. D. & Co.

GRAIN AND FLOUR.

Terms Cash. U. S. Gold Coin.

Jas. F. Morgan,

3827-11 AUCTIONEER.



Sarah I. Griffin.

Only a Scar Remains

Scrofula Cured—Blood Purified by Hood's Sarsaparilla.

"C. I. Hood & Co., Lowell, Mass.: "It is with pleasure that I send a testimonial concerning what Hood's Sarsaparilla has done for my daughter. It is a wonderful medicine and I cannot recommend it too highly. Sarah, who is fourteen years old, has been

Afflicted With Scrofula ever since she was one year old. For five years she has had a running sore on one side of her face. We tried every remedy recommended, but nothing did her any good until we commenced using Hood's Sarsaparilla. My married daughter advised me to use Hood's Sarsaparilla because

Hood's Sarsaparilla Cures it had cured her of dyspepsia. She had been troubled with that complaint since childhood, and since her cure she has never been without a bottle of Hood's Sarsaparilla in the house. We commenced giving it to Sarah about one year ago, and it has conquered the running sore,

Only a Scar Remaining as a trace of the dreadful disease. Previous to taking the medicine her eyesight was affected but now she can see perfectly. In connection with Hood's Sarsaparilla we have used Hood's Vegetable Pills, and find them the best." MRS. MARIA GRIFFIN, Xenia, Illinois.

Hood's Pills cure nausea, sick headache, indigestion, biliousness. Sold by all druggists. HOBSON DRUG COMPANY, 3366 Wholesale Agents.

National Cane Shredder

(PATENTED UNDER THE LAWS OF THE HAWAIIAN ISLANDS.)

Mr. John A. Scott, Manager of the Hilo Sugar Company gives the following wonderful record of the working of the NATIONAL CANE SHREDDER, which was erected by their works at the commencement of the crop just harvested:

"During the past week the Hilo Sugar Company's mill exceeded any of its former records by closing the 125 hours grinding with an output of 3000 tons. This is fully 10 per cent. more than the best work of former years.

"The three roller mill being 26 in. by 54 in. and the two roller mill 30 in. by 60 in. The first mill doing this amount of work in an efficient manner and with great ease, compared with work on whole cane, owing to thorough preparation of the cane by the National Cane Shredder, recently erected by the Company. And by its use the extraction has been increased from 3 per cent. to 5 per cent. on all kinds of cane, and in some cases 80 per cent. has been reached; the average being 75 to 78 per cent., according to quality.

"I continue to find the megass from shredded cane better fuel than from whole cane.

"The shredder has been working day and night for seven months and has given me entire satisfaction, having shredded during that time about seventy thousand tons of cane, and a large part of it being hard ratoons.

"The shredder and engine require very little care or attention."

Plans and specifications of these shredders may be seen at the office of

Wm. G. Irwin & Co. Ld.

SOLE AGENTS FOR THE HAWAIIAN ISLANDS 3594-3m

To Let.

THAT ELEGANT RESIDENCE at the head of Victoria street and Thurston Avenue, South Punchbowl Hill and known as "Diana Lodge," lately occupied by E. Walter. Possession given the 1st day of November next. The premises can be inspected daily. A more elegant residence and finer location for health cannot be found in the city. The house is new and has all the conveniences necessary. Outside buildings consist of Servants' Quarters, Carriage House, Two Stall Stables, and Feed Room, Bath Room, Tool Room and Chicken House, etc., etc.

Apply to MAN ON PREMISES. 3823-11

Of Interest to Sugar Mill Owners

Managers and Agents of Plantations, and to Everybody Using Machinery.

The undersigned begs to inform the public that he has opened an establishment at the corner of QUEEN and NUUANU sts., HONOLULU, where will be kept in stock a full supply of Engineer's Findings; Steam and Water Pipe and Fittings; Brasswork, Finished and Rough; Hooker's Steam and Double Acting Pumps; Deep Well Pumps; Windmill Pumps; Hand Power Pumps of various designs.

Being sole agent and representative of the firm of W. T. GARRATT & Co., of San Francisco, who are manufacturers of this line of goods. I am enabled to sell at prices never before quoted in this market, saving my customers the wholesale and jobbers profits.

Agent for the Hawaiian Islands of the Richard's Lock Nut, which is an ordinary hexagon nut constructed so that it is impossible for the nut to become loose or slack, and fall off the bolt. It costs no more than the ordinary cold pressed iron nut and dispenses with the use of the lock washers, keys and split pins. This nut is now exclusively used on all the principal railroads and street cars lines in the United States. Samples and pamphlets furnished on application to the undersigned.

Agent for the Siphon Water Elevator, which is automatic, for irrigation, city supply, farms, etc. This invention as its name indicates is based upon the principle of the siphon known to the Ancients but it is devised in such a manner as to greatly enlarge the field of application. Used until today only for the drawing off of liquids to a lower level, the siphon now becomes an Automatic Water Elevator, which under favorable conditions is endowed with great powers. In many instances, land situated higher than the irrigation ditch can be irrigated at a nominal expense. The Siphon Elevator is especially adapted for such conditions, as it can elevate the water from the main irrigation ditch to a higher one, while the waste is available for irrigating the lower levels. The siphon elevators are made of brass and iron in sizes ranging in capacity of from two hundred to three million gallons per day.

Estimates and plans furnished for new machinery and repairs.

C. R. McVEIGH, Consulting Engineer. Office and warehouse cor. Queen and Nuuanu sts., Honolulu. P. O. Box 457. Mutual Tel. 578.

In the Circuit Court of the First Circuit, Republic of Hawaii.

ESTATE OF F. S. PRATT, DECEASED

Notice of Sale of Real Estate.

PURSUANT TO AN ORDER MADE and entered on the 10th day of September, 1894, as amended by an order made and entered on the 9th day of October, 1894, in the above-named Court, in the matter of the said Estate, the undersigned, as Commissioner, will sell at public auction, to the highest bidder the premises at Waikiki, Honolulu, Oahu, described in deeds from E. H. Allen and H. Giles to said F. S. Pratt, recorded respectively in Liber 37, pages 222 and 223, and Liber 54, pages 294 and 295, Hawaiian Registry of Deeds. The property will be offered in three lots, as sub-divided by M. D. Monsarrat, surveyor, viz:

Lot A—90 feet sea frontage, 101 feet mauka frontage, average depth 385 feet, more or less, area 84-100 acres, containing one small cottage; upset price \$3,000.

Lot B—131 feet sea frontage, 135 feet mauka frontage, average depth 38 feet, more or less, area 1 16-100 acres, containing dwelling house; upset price \$6,000.

Lot C—177 feet sea frontage, 139 feet mauka frontage, average depth 385 feet, more or less, area 1 28-100 acres containing stable and outhouses; upset price \$6,000.

The sale will be held at the front door of the Judiciary Building, in Honolulu, at noon on TUESDAY, the 30th day of October, 1894. Terms Cash in U.S. Gold Coin. Sale subject to confirmation by said Circuit Court. Deeds at expense of purchasers.

For plan of lots and further information, apply to the undersigned, at the Judiciary Building, Honolulu.

3822-11 HENRY SMITH, Commissioner.

Marshal's Sale.

BY VIRTUE OF A WRIT OF Execution, issued out of the District Court, on the 16th day of October, A. D. 1894, against Dr. G. A. Ings, defendant, in favor of Hollister & Co., Limited, plaintiff, for the sum of \$117 32, I have levied upon and shall expose for sale at the Police Station, in the District of Honolulu, Island of Oahu, at 12 o'clock of WEDNESDAY, the 21st day of November, A. D. 1894, to the highest bidder, all the right, title and interest of the said Dr. G. A. Ings, defendant, in and to the following property, unless said judgment, interest, costs and my expenses be previously paid.

List of property for sale: Lot of Medical and Surgical Works and Instruments; also treatises on French and German Languages; Novels and a few Music Books

The above is open for inspection at the office of the Deputy Marshal.

Terms Cash.

E. G. HITCHCOCK, Marshal.

Honolulu, October 19, 1894. 3821 1596-31

The Daily Advertiser 75 cents a month in advance.

New Advertisements.

VERY

Latest Importations

—OF—

Cloth,

Serges,

Diagonals

and Tweed!

are always to be found at

L. B. Kerr's

STORE,

47 Queen Street - - Honolulu.

These Goods are of the best English and French make and comprise the newest styles and patterns, will be sold in quantities to suit purchasers.

3552

Pumping Engine for Sale

1 Duplex Compound Pumping Engine with Independent Air Pump and Jet Condenser. Pumping Engine 12 H. P., Steam Cylinder, 24 in. L. P., Steam Cylinder; 14 in. Water Cylinders; 18 in. Stroke. Air Pump, 6x10x12. This Engine will pump at ordinary speed 1200 to 1500 gallons of water per minute to a height of 175 feet and will be sold at a bargain.

For further particulars apply to HAIKU SUGAR CO., Hamakua, Maui, or CASTLE & COOKE, Honolulu. 3795-11

20-Year - Leases

—OF—

Lots Centrally Located

APPLY TO

J. M. VIVAS.

3807-11

YOU CAN GET

Haviland China, plain and decorated; English China, White, Granite; Cut Glassware, Moulded and Engraved Glassware, Agateware, Tinware, Lamps and Fittings, Flower Pots, Fruit Jars and Jelly Glasses and a thousand other useful and ornamental articles at

J. T. WATERHOUSE'S

Queen Street Stores.

3807-11